

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVID ABERNATHY, *et al.*,

Plaintiffs,

-v.-

EMBLEMHEALTH, INC., *et al.*,

Defendants.

17 Civ. 7814 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of the parties' letters regarding a proposed briefing schedule for Plaintiffs' anticipated motion for class certification. (Dkt. #91, 93, 94). Having reviewed the parties' submissions, the Court adopts the following briefing schedule, which was proposed by Plaintiffs and to which Defendants proposed no alternative (*see* Dkt. #91, #93): Plaintiffs' motion for class certification shall be filed on or by September 1, 2020; Defendants' brief in opposition shall be filed on or by September 29, 2020; and Plaintiffs' reply brief shall be filed on or by October 13, 2020.

Defendants request that the Court order Plaintiffs to complete document production by August 25, 2020, and depositions by September 25, 2020. (Dkt. #93 at 2). The parties recently litigated an extension of the deadline to complete fact discovery (*see* Dkt. #80, 81), and the Court sees no reason to revisit its July 21, 2020 decision to extend the fact discovery deadline to October 30, 2020 (Dkt. #82, 83). However, Plaintiffs' counsel shall work with Defendants to depose as many Plaintiffs before September 25, 2020, as possible. And Plaintiffs' counsel will be held to their word that they will make

Plaintiffs available for continued depositions to the extent necessary based on documents produced after a particular Plaintiff is deposed but before the close of fact discovery. (Dkt. #94 at 2 n.1).

SO ORDERED.

Dated: August 12, 2020  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

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KATHERINE POLK FAILLA  
United States District Judge